for The Defense

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The Training Newsletter for the Maricopa County Public Defender's Office ⋈ Dean Trebesch, Maricopa County Public Defender

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LIMITING HARMFUL EFFECTS OF YOUR CLIENT'S JUVENILE RECORD

By Suzanne Sanchez
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Many felony clients under the age of eighteen years have juvenile-delinquency records. Many adult clients have juvenile-delinquency records as well. The following are suggestions for limiting the harmful effects of your client's juvenile record.

Chronic Offenders

If your client still is younger than the age of eighteen years, and is facing felony charges pursuant to A.R.S. § 13-501(A)(6) or (B)(5), make sure that he really is a chronic felony offender. A "[c]hronic felony offender" means a juvenile who has had two prior and separate adjudications and dispositions for conduct that would constitute a historical prior felony conviction if the juvenile had been tried as an adult." A.R.S. § 13-501(G)(2). "Disposition" is the juvenile-court version of sentencing. Often, the juvenile court will dispose of two unrelated offenses at the same time. If the client had two separate and prior adjudications that the juvenile court disposed of on the same date, the client is not a chronic felony offender.

Open Ended Offenses

In past years, juvenile-court clients generally were not adjudicated delinquent for open-ended or undesignated offenses. In the last few years, however, the juvenile court has been adjudicating clients delinquent for open-ended offenses. Therefore it becomes important to look at the client's juvenile-court legal file and determine whether an adjudication of delinquency that appears to be a felony actually was an open-ended offense that later was designated a misdemeanor. If it was designated a misdemeanor the adult court may not have jurisdiction.

Destruction of Records

It is possible that your client's juvenile court records were ordered destroyed pursuant to A.R.S. § 8-349. If so, such records still may be accessible: "The juvenile court may store any records for research purposes." A.R.S. § 8-349(G). Obviously, their use should be limited to research, rather than court, purposes. Destruction of juvenile-court records is not automatic. If a person wants his juvenile record destroyed, he must apply for such destruction. A.R.S. § 8-349(A). If he is at least nineteen years old, has no criminal charges pending, has no felony convictions in adult court, has no felony adjudications in juvenile court, and has complied with all juvenile consequences, he may apply for destruction of his juvenile records. A.R.S. § 8-349(B), (D). The juvenile court may order destruction of such

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records if destruction is in the interests of justice and would further the rehabilitative process. A.R.S. § 8-349(D)(5),(6). If the juvenile record contains a felony-level adjudication, the person cannot apply for destruction until he is at least 25 years old. A.R.S. § 8-349(E)(1). The juvenile court then may order destruction if the person does not have a criminal charge pending, does not have a felony conviction, complied with all juvenile-court consequences, and if destruction is in the interests of justice and would further the rehabilitative process. A.R.S. § 8-349(F).

Impeachment of Defendant

You may also be concerned about use of your client's juvenile record for impeachment purposes. Recently, the Court of Appeals held that a juvenile who testified on his own behalf should not have been impeached with his prior juvenile-delinquency adjudication. *In re Anthony H.*, 298 Ariz. Adv. Rep. 59 (App.Div.1 1999). The hearing in *Anthony H.* was a juvenile-delinquency adjudication hearing, rather than a jury trial. However, nothing in the opinion appears to limit its holding to juvenile-delinquency adjudication hearings. Rather, the Court relied upon the Rules of Evidence.

Anthony H. testified that he did not commit the juvenile-delinquency offense with which he was charged. Upon cross-examination, and over objection of defense counsel, the prosecutor attacked Anthony's credibility by asking him about an unrelated, prior juvenile-delinquency adjudication. The Court of Appeals indicated that it was improper for the prosecutor to have impeached Anthony "with his prior adjudication as though it were a felony conviction under Rule 609(a)."

The Court of Appeals explained that "[u]se of a juvenile adjudication to attack the credibility of an *accused* is precluded by Rule 609(d) ... ." Rule 609(d) provides that:

> Evidence of juvenile adjudication is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness *other than the accused* if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence. [Emphasis added.]

The Court in *Anthony H.* indicated that A.R.S. § 8-207(B) does not permit use of juvenile adjudications for impeachment. A.R.S. § 8-207(B) provides that "[t]he disposition of a juvenile in the juvenile court may not be used against the juvenile in any case or proceeding other than a criminal or juvenile case in any court, whether before or after reaching majority, except as provided by § 13-2921.01 or §§ 28-3304, 28, 3306 and 28-3320. The Court explained that A.R.S. § 8-207(B) "prohibit[s] the use of adjudications against the juvenile in any proceeding other than juvenile and criminal cases - where Rule 609(d) applies."

The Court in *Anthony H.* noted that the Arizona Constitution (Article 4, § 22) was amended in 1996 to open to the public most juvenile court proceedings and records. However, the Court in *Anthony H.* stated that the amendment "cannot fairly be construed as a legislative effort to supersede Rule 609(d) regarding admission of evidence." Therefore, the Court disagreed with the State's argument "that juvenile adjudications are now admissible in both criminal and juvenile cases by virtue of "the constitutional amendment."

Therefore, the holding in *Anthony H.* should prevent the use of juvenile-delinquency adjudications for impeachment of an *accused person* testifying on his own behalf in a criminal trial, even if he is over the age of eighteen years.

Impeachment of Other Witnesses

In other cases, courts have allowed, under limited circumstances, use of juvenile-court records for impeachment of witnesses. Such impeachment was permitted if it tended to show motive or bias. Such

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impeachment was not permitted for general attacks upon a witness's credibility or character.

None of the witnesses in these cases were the accused person. Rather, all were witnesses for the State. The rationale in these cases was that, in some instances, the witness's right to privacy regarding his juvenile record is outweighed by the accused person's right to confront the witnesses against him. Obviously, in cases where it is the accused who has a juvenile record, there is no confrontation clause issue.

In *Davis v. Alaska*, the United States Supreme Court held that "[t]he State's policy interest in protecting the confidentiality of a juvenile offender's record cannot require yielding of so vital a constitutional right as the effective cross-examination for bias of an adverse witness." 415 U.S. 308, 320, 94 S.Ct. 1105, 1112 (1974). In *Davis*, property allegedly stolen by the accused person was found near the home of the juvenile witness. *Id.*, at 309-310, 94 S.C.t at 1107. The juvenile witness testified that, on the date of the alleged offense, he had seen the accused person near the place where the stolen property was discovered. *Id* In his concurring opinion, Justice Stewart explained that impeachment with the witness's juvenile record:

> was necessary in this case in order "to show the existence of possible bias and prejudice...," ante, at 1111. In joining the court's opinion, I would emphasize that the Court neither holds nor suggests that the Constitution confers a right in every case to impeach the general credibility of a witness through cross-examination about his past delinquency adjudications or criminal convictions.

Id. at 321, 94 S.Ct. at 1112-13.

In *State v. Morales*, there were two juvenile witnesses for the State. 120 Ariz. 517, 586 P.2d 236 (!978). The first, who was the State's chief witness, had been a principal participant in the alleged offense. *Id.* at 520, 587 P.2d at 238. This witness entered into an agreement whereby, if his testimony was deemed a substantial aid to the State's case against the accused, the State would withdraw its request to try the witness as an adult. *Id.* The Arizona Supreme Court held that the witness could be impeached with this agreement due to "the right of the defendant to cross-examine the State's major witness on what he expects in return for his testimony." *Id.*, 587 P.2d at 239.

"The evidence may have shown a motive or bias on the part of the witness. Preclusion of such evidence violated his Sixth Amendment right to confrontation."

The second juvenile witness in *Morales* testified that he saw the victim, the accused, and the other juvenile witness together near the location and time of the alleged offense. *Id.* at 521, 587 P.2d at 239. This witness had been adjudicated delinquent on an unrelated charge, and defense counsel wanted to impeach him with this adjudication in order to attack his general credibility. The Arizona Supreme Court upheld the trial court's preclusion of such impeachment because:

> we believe the facts in *Davis*, *supra*, are distinguishable from the facts in the instant case. Here, there was no showing that the witness was on probation at the time he gave his testimony. His testimony could not in any way affect his treatment by the juvenile court and there was no compulsion upon him to testify. The use of the witness' juvenile record was sought only for the purpose of attacking his general credibility and did not go to a bias or motive for his trial testimony.

Id. at 521, 587 P.2d at 240.

In *State v. McDaniel*, a juvenile accomplice's involvement in the alleged offense was processed in juvenile court. 127 Ariz. 13, 14, 617 P.2d 1129, 1130 (1980). When the juvenile accomplice testified at McDaniel's trial, the trial court would not allow defense counsel to impeach the juvenile accomplice with his delinquency adjudication and resulting disposition regarding the alleged offense. In that case, "the defense believed it could show that [the juvenile accomplice's] testimony would affect the date of his release from juvenile custody." *Id.* at 15, 617 P.2d at 1131. The Arizona Supreme Court found that McDaniel's Sixth Amendment right to confront a witness against him was abridged when the trial court would not allow impeachment regarding the accomplice's juvenile record. *Id.* The evidence may have shown a motive or bias on the part of the witness. Preclusion of such evidence violated his Sixth Amendment right to confrontation.

In *State v. McKinney*, the Arizona Supreme Court upheld a denial of an accused's request to impeach a prosecution witness with his juvenile record. 185 Ariz. 567, 578, 917 P.2d 1214, 1221 (1996). In that case, the defense did not proffer any evidence of juvenile delinquency adjudications. The witness "was not an accomplice in the crimes, was never charged, and was never offered immunity for his testimony. He was

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eighteen years old at trial and therefore could not have been on juvenile probation at the time of the trial." *Id.* Therefore, impeachment with his juvenile record "could not have been used for anything other than a general attack on his character." *Id.*

In *State v. Van Den Berg*, the accused was convicted of aggravated assault and endangerment. 164 Ariz. 192, 193, 791 P.2d 1075, 1076 (App. 1990). The victims, two teenagers named Shane and Jerry, testified that they were merely passing by Van Den Berg's home when Van Den Berg yelled at them and then shot into the air and the ground. Van Den Berg testified that he found the teenagers trespassing on his porch, and that, when he asked them to leave, the teenagers moved toward him in a threatening manner. Van Den Berg testified that he fired warning shots to make the teenagers leave.

"Therefore, use of the juvenile's convictions were relevant to the issue of motive and bias even though they were no onger on juvenile probation."

Van Den Berg argued that he should have been able to impeach Shane with his juvenile-delinquency record. The trial court disagreed because neither witness was on probation at the time of the trial. The appellate court reversed and held that:

> [i]f Shane was on probation *[at the time of the alleged offense]*, then the trial court's order preventing Van Den Berg from introducing evidence of Shane's [California] juvenile record was a violation of Van Den Berg's Sixth Amendment right to confrontation, and he must be given a new trial without further order of this court. If he was not on probation, then the conviction stands.

Id., 791 P.2d at 1075.

In *Van Den Berg*, there existed the possibility that the original accusations were made by the juveniles to avoid problems with their own juvenile probation. Therefore, use of the juvenile's convictions were relevant to the issue of motive and bias even though they were no longer on juvenile probation.

In *State v. Lopez*, a child molestation victim had a prior juvenile-delinquency adjudication for child molestation. 170 Ariz. 112, 119, 822 P.2d 465, 471 (App. 1991). The victim "had touched his sister's breast three years earlier, when he was 13 or 14." The State filed a motion *in limine* to prevent Lopez from impeaching the juvenile with this adjudication. The appellate court held that the trial court did not abuse its discretion in granting the motion *in limine*, because there was no issue of motive or bias.

In *State v. Ruelas*, the accused fled from the scene of the crime and was captured approximately seven years later.165 Ariz. 326, 331, 798 P.2d 1335, 1340 (App. 1990). The accused sought to impeach with a juvenile-delinquency adjudication, an eyewitness whose credibility was a key factor in the case. However, the appellate court held that

> [b]ecause the adjudication was more than nine years old by the time of trial and involved a witness who had thereafter remained a law-abiding citizen, we cannot say that the trial court clearly abused its discretion in determining that impeachment with the prior adjudication was not "necessary for a fair determination of the issue of guilt."

Id. at 331-32, 798 P.2d at 1341 (quoting *Morales*, *supra*).

Conclusion

Clearly, an adjudication of juvenile delinquency is not the functional equivalent of a criminal conviction. "[T]he juvenile system still has rehabilitation as its primary goal, not punishment." *Maricopa County Juvenile Action No. J-90110*, 127 Ariz. 389, 391, 621 P.2d 289, 300 (App. 1980). "[O]ne of the primary goals of the juvenile justice system [is] protection of the child through treatment and rehabilitation." *In re Frank H.*, 281 Ariz. Adv. Rep. 28, 30 (App.1998). Thus, juveniles are adjudicated delinquent so that they can be required to participate in rehabilitative services. Moreover, juveniles prosecuted in Arizona juvenile courts, as well as in most other juvenile courts, do not receive jury trials. See *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971). Therefore, a juvenile-delinquency adjudication, although admissable to prove motive or bias on the part of the witness, cannot be used against an accused person to the same extent that a criminal conviction can. ■

CONFIDENTIALITY OF COMMUNICATIONS

By Robert Ventrella
Public Defender Attorney

The subject of confidentiality of client information may bring yawns to the ordinary lawyer. After practicing for so many years, we take for granted that we protect our client's rights and confidences. Yet, how many times have we seen our colleagues or staff talking in the hallways of the courthouse, or in the presence of non-affiliated persons, about a client's outrageous conduct, story or statements? Does this sound familiar? It is an all-too-familiar fact that we don't think about the prohibition on divulging client secrets to those who have no need or legal right to know. It is the object of this brief article to address the confidentiality of client information in the adult and juvenile contexts. In the juvenile context, there are some special rules and/or situations that will be explored. So, stifle that yawn!

"If your client has a physical condition, like AIDS, and the client limits you with regard to your disclosure, then you may not be able to disclose"

The concept of client confidentiality goes back at least to Roman law. *McCormick on Evidence*, 3rd Edition, p. 204. It is also seen in English law, going back to the time of Elizabeth I. In the 18th century in England, the confidentiality was based on the need for complete disclosure to the lawyer to enable him to help the client, and thus the whole justice system. *Id.*at 205.

We must begin our near-millennium discussion with the Code of Professional Conduct. The relevant provisions are Ethical Rule (hereinafter ER) 1.6 "Confidentiality of Information" and ER 3.3 "Candor Toward the Tribunal." First, there is a distinction between confidentiality of communications and the attorney-client privilege. Attorney-client privilege may apply in formal proceedings if the attorney is called to testify or otherwise produce evidence. Ethical Opinion No. 98-01 (January 1998). The ethical rule of client-lawyer confidentiality requires the attorney to hold inviolate matters communicated in confidence by the client as well as other information that relates to the representation. *Id.* This principle encompasses any and all information, regardless of the source, that comes to the attorney in relation to the representation of the client. ER 1.6 essentially says that one may not divulge "information relating to representation of a client" unless he/she consents or the disclosure is "impliedly authorized." If the client tells you that he is going to commit a crime, you *may* reveal the information; if the intended act may cause "death or substantial bodily harm," then you *shall* reveal the information.

The comments to ER 1.6 discuss what constitutes a disclosure that is "impliedly authorized." If the disclosure is "appropriate in carrying out the representation" and is not limited by the client or special circumstances, one may disclose. If your client has a physical condition, like AIDS, and the client limits you with regard to your disclosure, then you may not be able to disclose, even if it would normally be appropriate for mitigation, etc. One may also be able to disclose information if it "facilitates a satisfactory conclusion." The context in criminal law where I see this happening, is when negotiating a deal. I will tell the State if there is a factual basis for the plea. If there is none, then I *might* give enough information to allow them to make a more reasoned judgment about the value or viability of their case. You should explain to the client just what you are going to disclose. Simply walking up to the prosecutor and saying that your client is going to say "thus and such" only tips the State off and may not be very helpful. What certainly is not appropriate (and it happens) is to say something to a room full of police officers and prosecutors like "I can't believe my client isn't taking that plea."

As was stated earlier, there is a permissive clause allowing the lawyer to produce information of a future crime, if it is non-threatening. If the lawyer "reasonably believes" that a client will commit homicide or serious physical injury, then the lawyer *must* disclose it. The difficulty is in determining whether the client really intends to commit the act, or is just venting. I don't know about you, but I'm not sure I like the choice between possibly losing my ticket to practice or having my client's potential actions come back to haunt me. If there is no possible way for the act to be carried out, or if there are substantial words qualifying the intent (I would like to, I wish I could, etc.), then the intent may not be truly there.

If you think that this will never happen to you, think again. In Ethical Opinion 91-18 (June 10, 1991), a client stated to his lawyer that he would commit suicide and that a doctor would "go down with him." As the ethical opinion made clear, if there was any belief that the threat was a viable one, then it had to be disclosed. The opinion made it clear that "it is very difficult for a lawyer ever to know that a client actually will carry out an expressed threat." The opinion went on to state that informing the police would not necessarily be appropriate if other measures under the circumstances would suffice. However, it is not clear just who should be notified. I

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would suggest that the court might need to be notified at a minimum, since there is now a clear conflict of interest with the client. I have found no Arizona case on the issue. However, in *State v. Hansen*, 862 P.2d 117 (Wash. 1993), the Supreme Court of Washington held that a defendant's statement to his lawyer that he was going to "get a gun and blow them all away, the prosecutor, the judge and the public defender," was not covered by the attorney-client privilege. There, disclosure was not mandatory under Washington rules, unlike here. So, the next time your client says something about his cousin Vinny taking care of that snitch...

ER 3.3 governs the attorney's candor towards the court. It is ER 3.3 (a)(1) (2) and (4) which come up most often. A lawyer may not knowingly "make a false statement of material fact or law" to the court, fail to disclose a material fact if it will assist a "fraudulent or criminal act" or "offer evidence that the lawyer knows to be false." ER 3.3 (a)(1)(2)(4). If you read the comments to the rule, you can tell that to date Arizona has not settled the many issues involved in these provisions as they apply to criminal defense. The Comments describe three options for the advocate whose criminal client insists on testifiying and who knows that the testimony will be false. All of the options are problematic. One option is to excuse the advocate from the duty to reveal perjury if the perjury is that of the client. The Comment notes that this makes the advocate a "knowing instrument of perjury." The second option is to let the defendant tell a narrative without guidance from the lawyer. ("Mr. Defendant, you heard the testimony of the witnesses? Tell us your version."). The third option is to require the lawyer to reveal the client's perjury, despite the adverse impact to the client's constitutional rights. The Comment says that defense counsel's ethical options in this situation are still "in the process of clarification." That's why "except as required by applicable law" was added.

"A privilege as to confidential communications belongs to the person making the communication"

One case that seems to at least obliquely address the issue is *State v. Lowery*, 111 Ariz. 26, 523 P.2d 54 (1974). In *Lowery*, the defendant was charged with shooting a victim twice in the head and killing him. In the middle of the direct examination of the defendant by his counsel, the lawyer asked for a recess and moved to withdraw. After being convicted, the defendant claimed on appeal that he had been prejudiced by the motion to withdraw, because it told the judge, who was sitting without a jury, that the lawyer didn't believe her client. The court said that, since the defendant had already started his testimony, withdrawing was not the answer. The court noted that "the better practice would have been for the defendant's attorney to have refrained from further questioning in areas of possible perjury and make a record 'in some appropriate manner'." 111 Ariz. at 29. The court then found no prejudice.

Ethical Opinion No. 92-02 (March 1992) indirectly discusses this issue. In that opinion, the client gave one name to the court in one case, and a different name to a different court in another case. He told his lawyer who he was (one of the two names given), but did not want the lawyer to reveal to the courts what his real name was. According to the opinion, the lawyer should advise the client that he cannot use a false name with the court. If the client refuses to comply, the lawyer should move to withdraw, without revealing any basis except "irreconcilable differences." If that doesn't work, counsel "must" proceed but can't rely on or argue the client's false statement in further representation of the client. Either approach seems to telegraph to the trier of fact that the person you are representing has all the credibility of a Ponzi Scheme.

A privilege as to confidential communications belongs to the person making the communication and when the person waives the privilege, the privileged matter is no longer protected. *Gordon v. Industrial Commission*, 23 Ariz. App. 457,459, 533 P.2d 1194, 1196 (1975). There are, of course, multiple ways for the confidentiality of your client's communications to be waived. One way is for you to announce his statements to the world. Just kidding. Actually, that would not waive them, since the privilege and confidentiality are to protect the client. Another way to waive is for the client to expressly waive them. *State v. Cuffle* , 171 Ariz. 49, 51, 828 P.2d 773,775 (1992). One can also impliedly waive the right to assert the confidentiality of the statements. See *State v. Tallabas*, 155 Ariz. 321, 746 P.2d 491 (App. 1987). A limited waiver may exist where a client waives the privilege by disclosing confidential communications to a third party. *Ulibarri v. Superior Court in and for Coconino County*, 184 Ariz. 382, 385, 909 P.2d 449, 452 (App. 1995). Especially tricky, with regard to third party waivers, is the presence of counsellor's, interpreters or parents. According to Ethical Opinion No. 97-05 (July 1997), the presence of these persons has no effect on the obligation of the attorney to maintain the confidentiality of information obtained from the client. The confidentiality of communications is not assured if third parties are present, but, as a general rule, the presence of third parties might not constitute a waiver of the privilege if the third party is necessary to further the attorney-client relationship. *Id.* The moral of this story is that, unless the third party (like an interpreter) is absolutely needed, it would be prudent not to have one present. This includes

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junior's parent who thinks that he or she has a right to be present during attorney-client consultations.

If the client makes an issue of the lawyer's performance, via post-conviction relief or other means, he opens the door for the lawyer to testify against him regarding what took place. The assertion that counsel is incompetent or inadequate is a direct attack upon the attorney and constitutes a waiver of the attorney-client privilege and permits trial defense counsel to defend himself. *State v. Krutchen*, 101 Ariz. 186,191, 417 P.2d 510, 515 (1966); see also *State v. Cuffle*, 171 Ariz. 49, 828 P. 2d 773 (1992). Anyone who has ever testified in a Rule 32 proceeding (let's see a show of hands...including mine), knows that this may not be what the client really wants to hear. But it is the law.

Confidentiality of records is an issue that continues in the juvenile context. Once upon a time, all juvenile records were sealed. The legislature has recently decided to open most of them up to inspection. However, even though A.R.S. § 8-208 opens most of the juvenile legal file to "public inspection," there is a second file, called the "Red File," which contains all sorts of confidential information about our clients. The information in them *is not* open for public consumption. According to Rule 19.1(b) of the Rules of Procedure for Juvenile Court, the social file of the juvenile, which contains many different kinds of reports "shall be confidential and withheld from public inspection except upon order of the Court." We often get parents who want to see psychological reports, counselling reports, etc. These are not open for inspection to them without a court order. Usually, the probation officers have traditionally been in custody of the Red Files. The bottom line is that after a juvenile is transferred, direct-filed upon, or turns 18, these files don't just go away. They are valuable sources of information for the lawyer, but need to be handled like confidential communications. In fact, you may need a court order for disclosure if you meet up with an uncooperative probation officer or administrator.

"If the client makes an issue of the lawyer's performance, via post-conviction relief or other means, he opens the door for the lawyer to testify against him regarding what took place."

Well, congratulations. You made it through this article. Just remember, the next time you are sitting around with your colleagues talking about the Diamondbacks, and the conversation drifts around to work, be careful what you say about your client's statements and discussions. You could well be overheard by some member of the disciplinary board. Remember, in W.W. II, there was a saying - "Loose lips sink ships." Remember this with regard to your obligations to your client - "Too much yakking and you may be packing." Okay. So that isn't one for the ages. ■

COMMUNITY REPARATIVE BOARDS; RESTORATIVE JUSTICE FOR OFFENDERS, VICTIMS, AND THE COMMUNITY

By Michael Hruby
Public Defender Attorney

In November of 1998, the Adult Probation Department received a grant from the State Justice Institute to begin a Community Reparative Board. Community Reparative Boards deal with low-level, first-time adult offenders who have harmed the community in some way, generally by committing a property crime. Research and information from other restorative justice programs in Vermont, Minnesota, New York, Colorado, and Virginia indicate that community-based corrections programs can effectively address the problems faced by low-level property offenders by focusing on restoring the victim and the community, while at the same time educating an offender about the social consequences of his or her criminal conduct. Board members are volunteers who are literally selected from the community within which the criminal offenses occurred.

The Community Reparative Board consists of three to eight local community members, who represent the various socioeconomic, racial, and ethnic groups in their community. An initial training program prepares the volunteers to effectively rehabilitate and, to some degree, supervise people who have pled guilty to or been found guilty of crimes such as theft, criminal damage, criminal trespass, shoplifting, disorderly conduct, disturbing the peace, and other appropriate low-level offenses. Offenders involved in such crimes as DUI, sex offenses, most drug offenses, domestic violence, weapons offenses, high profile cases, repeat felony offenders, crimes at the level of class 3 felony or greater, and persons with a violent present or past history are not considered for the program. Ideal candidates are high-functioning, low risk property offenders who are relatively unlikely to reoffend, and who are willing to publicly accept responsibility for nonviolent criminal behaviors. In effect, the Community Reparative Board Program serves as an alternative to formal probation, with a less structured and less supervised environment, allowing the client to schedule

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and complete possible programs of rehabilitation, restitution, and community-based public service tasks or projects.

The Community Reparative Board Program is presently being expanded to include zip code areas surrounding Sunnyslope. These zip code areas included are 85020, 85021, 85022, 85023, 85029, and 85051. The client must live in or have committed the offense in one of these zip code areas. The client must volunteer for this program and must admit responsibility for their offense. The victim must not oppose the program, as victim opposition may block entry into the program. In essence, the client is supervised by community members who sit on the board, and must answer to the board members in terms of completed rehabilitation, restitution, or other community service or projects. While the level of supervision is lower, the level of actual responsibility can be higher, and hopefully more productive.

All participants in the program, including the client and the board members, are volunteers. Application must be made shortly before or after sentencing through the Adult Probation Department. Within one month of sentencing, the client will meet with the board members, and that person's case will be individually considered. Sanctions imposed by the board may include conditions such as restitution to the victim, community service hours, counseling, job attainment opportunities, educational opportunities, letters of apology, and/or treatment programs. The board is open to suggestion for other reparative type measures. The board will discuss these various conditions with the client, and will ask the client how long it might take for the conditions to be fulfilled. Usually, within several months, a second board meeting will be held to check on the client's progress. Supervision between board meetings will generally be monthly by either telephone contact, face-to-face contact, and/or mail-in reporting forms which will include fine or fee payments. There is the possibility of substantially reduced probation fees during the program, as well as early termination following successful completion of the board conditions. Supervision fees may be completely eliminated after the client has participated and successfully completed the sanctions ordered by the board. The level of supervision while working with the board can be as low as standard unsupervised probation.

The ultimate goal of the Community Reparative Board is to help a person develop into an adult who has value to himself or herself and to the community, and is a productive member of the community. Positive reinforcement is primarily through interaction with the board, and negative consequences would generally be no greater than a shift back to standard probation (assuming no new crimes were committed during this time period).

Working on the theory that the community needs to have a voice in the sentencing of some offenders, and that both victims and offenders should have a working influence on the various available sentencing programs, the board may allow victims and offenders to meet in the presence of trained mediators, to discuss the crime and to work out restitution agreements and other sentencing recommendations. This gives the victims a chance to speak out about their feelings and to become active in their own cases, as well as allowing clients the opportunity to take personal responsibility for their actions and to actively work to repair any harm they have caused.

"The ultimate goal of the Community Reparative Board is to help a person develop into an adult who has value to himself or herself and to the community, and is a productive member of the community."

Traditional sentencing approaches focus primarily on the past, are impersonal, do not include the offender as sharing responsibility for the solution, leave the debt owed to society as an abstract concept, and place the state as having the monopolized response to wrongdoing. The Community Reparative Boards, on the other hand, tend more to focus on future problem solving, active dialogue and mediation between the actual parties involved. Personal responsibility, for the harm done to the community as well as to the individual victim, encourages both repentance and forgiveness. The goal is to deter repeat offenders by making them realize how their actions have affected both the victims and the community.

As an alternative to traditional sentencing, the Community Reparative Board not only has the potential to restore the victim and the community but at the same time educate the offender about the real-life consequences of his or her criminal conduct. The focus is on problem solving between the offender, the victim, and the community, while recognizing that nonadversarial solutions to community-based problems can go a long way toward rehabilitation and reintegration into the community.

Proceedings are confidential, and are chaired by a trained APO coordinator. Written records are kept, but the proceedings themselves tend to be relatively informal. All parties are expected to be courteous and respectful, and the roles of all participants are clarified. As a potential alternative to traditional sentencing, the Community Reparative Board seems to have great potential.

Anyone interested in enrolling a client in the Community Reparative Board Program should contact

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either the initial APO just before or just after sentencing, or Rebekah Trexler with the Maricopa County Adult Probation Department. If we believe that the victim, the community, and the offender all should have a voice in the ultimate sentencing decisions, then the Community Reparative Board may just be the vehicle for making community-based sentencing a reality. ■

AN OPPORTUNITY TO TEACH AND LEARN

By Russ Born
Training Director

Whenever the state bar raises the specter of mandatory pro-bono a chorus wells up from within the ranks of public lawyers. Usually its refrain goes something like this, "my whole practice is pro-bono, I should not need to do more." The fact is that for most public defenders the first half of that statement appears to be true. But for all of us in the defense community there is still a duty, a mandate if you will, to help educate others about the system. We have a professional obligation to talk to people about their constitutional rights, about how to guard them from intrusion and how the system strives to protect those cherished principles.

One of the most successful programs that helps us to educate young people and instill a sense of empowerment and pride is "the Courthouse Experience." In Maricopa County this is sponsored by the Superior Court. The program has been in existence for approximately nine years. During those years, some 42,000 6th through 8th grade students have participated in the program and gained a better understanding of the court process.

"But for all of us in the defense community there is still a duty, a mandate if you will, to help educate others about the system."

An added bonus of the program is that it always provides the instructor with a rewarding experience. It only requires a 2½ to 3-hour commitment in the morning from 8:30am to 11:30am. Attorney volunteers are usually paired up and they meet a class in the courtyard in front of the Central Court Building. The class is taken to observe a morning criminal calendar or criminal/civil trial. After court the attorney conducts a short question and answer session. Attorneys usually are surprised and intrigued by the quality of the students' inquiries.

The Maricopa County Public Defenders Office has always been very active in this program. It is again that time of year when the program needs to hear from volunteers. Whether you are a public defender, court appointed attorney, or private counsel, the experience is well worth the effort.

Take this opportunity to educate and enhance the public's perception of the system and the importance of our role as defense attorneys.

The program coordinator is Helen Cahill who can be reached at (602) 506-5810 or hcahill@smtpgw.maricopa.gov. ■

THE DREADED YEAR 2000

By Frances Dairman
Administrative Coordinator

If you haven't been living in a cave on a remote desert island for the past year or so, then you have probably heard more than you want to about the Year 2000. I think perhaps we are all a little tired of the doom and gloomers predicting the end of life as we know it. While a prediction like that might be a bit excessive, no one is exactly sure what the real impact will be, but *EVERYONE* seems to agree that there will be some impact.

Anything computerized or with a computer chip is vulnerable to Y2K problems. In this day and age, that doesn't exclude much. Most agencies have done their best with mission-critical items (traffic lights, medical equipment, etc.), but no one is guaranteeing complete compliance.

So, what does this mean to you? Who knows (maybe everything, maybe nothing)? However, in the spirit of liability-conscious people everywhere (What did you expect? This is a law office), there are some simple, common sense suggestions or requirements of which you need to be made aware. Some of these things might help limit any difficulties you could encounter as we venture into a new century.

The first and most important thing for you to realize is that Y2K can impact items that you might not consider, because they are "not computerized." Many items, like cars, elevators, fire control systems, and environmental control systems, etc. have "embedded" computer chips. With this cheerful thought in mind, you should know that this office is doing everything in its power to ensure we will be able to function both during and after the Year 2000.

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Requirements and Suggestions:

Our computer staff believes that our systems, software, etc. will be functional. However, there are a couple of things we would like you to do as a precautionary measure.

1. Keep accurate and detailed caselogs as well as complete files containing all relevant paperwork. We always strive to do this. However, in light of the Y2K risks, it is absolutely essential. In the event that we are unable to access information currently contained in a computer record somewhere, the paper file becomes our lifeline.

2. If you are completely dependent on the Groupwise calendar system, develop a back-up system of some sort. Evaluate your own needs and determine what you will require. If you need access to old calendars, you may want to start a file with printouts from Groupwise now. You can also start keeping a manual calendar. At the very least, you will need to print out a couple of weeks' worth of your calendar just prior to the Y2K rollover.

3. Prior to the Y2K rollover, make hard copies of any critical documents that have not already been printed. This is especially critical for those located off-site, i.e., other than the Luhrs Building. All of the computers in the office have been tested and passed Y2K compliance. Furthermore, Microsoft Word (our regular word-processing program) has been loaded directly to your machine, so even if the network between our offices' machines fails, you will be able to create and edit new documents. In addition, the I.T. staff should be able to pull any existing documents directly from the server for you, if the network unexpectedly fails. Lastly, administration also is coordinating even more basic, manual-type back-up plans in the unlikely event of a significant computer or network failure.

As for non-computer issues, this office has attempted to verify compliance of all of our sites and equipment, but some additional precautions might be warranted.

4. Those who work in the Luhrs Building may want to take home any files that you absolutely must have during the first few days of January 2000. While we might imagine that our elevators are powered by 50 trained monkeys hand-cranking a pulley system, they are, in fact, computer driven (yikes)! On their best days, the elevators here are less than cooperative, and I know I'm not excited about hiking up multiple flights of stairs. We certainly hope the elevators will work, but if worse comes to worst, we will be prepared to set up makeshift offices in the training facility and elsewhere on the lower floors.

5. It also would be wise to have a back-up transportation plan in the event your car fails to operate. You can research mass transit options, or work out a carpool with others. As we get a little closer to the Y2K rollover, this office will facilitate a voluntary information exchange for employees to locate other co-workers living near them. We also would suggest that anyone with an electric garage door opener park in his/her driveway or on the street during the night of December 31st.

The above suggestions are really only the basics of Y2K preparation (paranoia???). We will be providing additional information to you in the next few months. In addition, you should be aware that this office does have a written contingency plan that is in the final stages of completion. This plan details how we will function in the unlikely event of significant or widespread problems.

In the above article, we've discussed what we've already done, or what you should do to prepare. However, if you do discover any Y2K problems, either before or after January 1, 2000, please contact the lead secretary (or support staff supervisor) for your area. That person will be responsible for basic assessment of the problem and for contacting the appropriate administrative or computer staff. If you receive ANY inquiries about the Y2K readiness of this office or of the County as a whole, they should be referred to County Counsel, at (602) 506-8541. ■

ARIZONA ADVANCE REPORTS

By Steve Collins
Public Defender Attorney

Brandon H., In re, 300 Ariz. Adv. Rep. 3 (CA 1, 7/20/99)

The juvenile defendant entered into a plea agreement that resulted in a conviction of criminal damage a misdemeanor. As part of the agreement he would not be able to obtain a driver's license until he turned eighteen pursuant to A.R.S §28-3329 which provides for the suspension of a juvenile's driving privileges until his eighteenth birthday upon a conviction of criminal damage. On appeal he argues that that statute is an unconstitutional violation of the equal protection and due process clauses of the Fourteenth Amendment. The court determined that the statute is not arbitrary or irrational and is reasonably

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related to the legitimate state interest of deterring juveniles from committing crimes and therefor constitutional.

State v. Thomas, 301 Ariz. Adv. Rep. 3 (CA 2, 7/29/99)

The defendant was place on probation for possession of narcotic drugs. A petition to revoke was filed and he was found in violation and placed on intensive probation. A second petition was filed and the court revoked his probation and sentenced him to 2.5 years in prison. On appeal he argues that A.R.S. §13-901.01 (prop 200) precluded the court from sentencing him to prison. The state argued that once the court placed the defendant on intensive probation, A.R.S. §13-913 through 13-917 controlled and the court was required to revoke appellant's probation because one of the allegations was he had committed a new felony by using cocaine. The court determined however that 13-901.01 prevails under these circumstances and the court was prohibited from revoking probation. The court found that the statute was clear in that if probation is violated the court may impose additional terms of probation including intensive probation, community service, home arrest or any other sanctions short of incarceration. Therefore the court could not revoke probation and impose a prison term. ■

BULLETIN BOARD

New Support Staff

Two new legal secretaries have joined Trial Group E.
Diana Carrasco joined the office September 7.
Patricia Moncada started on September 14.

Lupe Hodge began working on September 7 as a Legal Secretary for Trial Group D

Bobby Bush, Legal Secretary, began working in Appeals on September 20.

Mark Gotsch will join our office September 27 as a Defender Investigator in Trial Group E.

Armand Casanova, Defender Investigator, began working in Trial Group B on September 7.

Christopher Hyler rejoined our Records Department on August 31 as a Trainee. Welcome Back!

Christian Lopez, Trainee, began working on September 7 in Trial Group E.

Support Staff Moves/Changes

Tina Bahe, transferred to our Dependency Unit on September 7.

Lisa Parsons, Defender Attorney in Trial Group A, will be leaving the office September 30.

Dave Fuller, Defender Attorney in Trial Group C, will be leaving the office October 1.

Susan Frank, Dependency Attorney, will be leaving the office October 8.

Elizabeth McGee, Records Trainee, left the office August 27.

Esther Chavez, Records/Appeals, left the office August 30.

Mac Bozza, Reader SEF, left the office August 31.

Chris Acree, Records, left the office September 3. ■

August 1999
Jury and Bench Trials

Group A

Dates: Start-Finish	Attorney/ Investigator *Litigation Assistant*	Judge	Prosecutor	CR # and Charge(s)	Result: w/ hung jury, # of votes for not guilty/guilty	Bench or Jury Trial
7/28-8/2	**Farrell**	P. Reinstein	Lamb	CR 98-16525 Agg. Assault/F3D	Hung Jury	Jury
7/6-7/6	**Farney**	Galati	Robinson	CR 99-03152 Theft of Vehicle/F4	Dismissed without prejudice	Jury
7/8-7/8	**Farney**	Galati	Hunt	CR 99-05066 Burglary/F4	Dismissed without prejudice	Jury
7/30-8/3	**Pettycrew**	Sheldon	Robinson	CR 97-13173 Trafficking in Stolen Property/F5	Guilty	Jury
8/10-8/10	**Flores**	Warren	Beresky	MCR 99-00602 Criminal Damage/M2 Assault/M1	Directed Verdict-Assault Guilty-Criminal Damage	Bench
8/11-8/12	**Rempe**	Sheldon	Forness	CR 99-07626 Agg. Assault/F3 with 2 priors	Not Guilty	Jury
8/12-8/16	**Howe**	Baca	Godbehere/Cohen	CR 99-04379 PODDFS/F2 PODP/F6 Misconduct Inv. Weapons/F4	Guilty	Jury
8/13-8/20	**Zick/** Jones	Dunevant	Gadow	CR 97-09060 Att. Murder/F2D 2 cts.Agg. Assault/F3D	Not Guilty of Att. Murder Guilty except Insane on 2 cts Agg. Assault Dang.	Bench
8/17-8/20	**Valverde**	Baca	Mitchell	CR 99-03478 Sexual Conduct with a Minor/F2DCAC Kidnapping/F2DCAC	Guilty	Jury
8/23-8/24	**Rempe**	McVey	Greer	CR 97-05203 Child Abuse/F4	Mistrial	Jury
8/24-8/26	**Green**	Gottsfield	Lockhart	CR 99-03936 Att. Armed Robbery/F3D	Guilty	Jury
8/30-8/31	**Klepper**	Galati	Eckhardt	CR 99-02243 Leaving Scene of Serious Injury Accident/F4	Not Guilty F4, Guilty of lesser Leaving the Scene Injury Accident/F6	Jury

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Group B

Dates: Start/Finish	Attorney/ Investigat or *Litigation Assistant*	Judge	Prosecutor	CR# and Charge(s)	Result: w/ hung jury, # of votes for not guilty/guilty	Bench or Jury Trial
7/28-8/2	**Liles/ Munoz**	D'Angelo	Leigh McBee	CR 99-03836 Forgery/F4	Not Guilty	Jury
8/23-8/24	**Lemoine/** King	Hutt	Hotis	CR 99-07333 2 Counts Aggravated Assault/F3D	Hung	Jury
8/23-8/25	**Whelihan**	Barker	Rahi-Loo	CR 99-03466 Armed Robbery/F2, Unauthorized Use/F6, Mis. Inv. Weapons/F4	Guilty-Armed Robbery & Mis. Inv. Weapons Not Guilty- Unath. Use	Jury
8/24-8/25	**Colon & Grant**	Kaufman	Boyle	CR 99-01744 Aggravated DUI/F4	Guilty	Jury

Group C

Dates: Start-Finish	Attorney/ Investigator *Litigation Assistant*	Judge	Prosecutor	CR # and Charge(s)	Result: w/ hung jury, # of votes for not guilty/guilty	Bench or Jury Trial
8/10/99 to 8/12/99	**Rosales/** Thomas *Turner*	Barker	O'Neal	CR99-93204 1 Ct. False Imprisonment, F6N	Not Guilty	Jury
8/11/99 to 8/13/99	**Precht**	Barker	Jennings	CR98-94897 2 Cts. DUI, F4N	Guilty	Jury
8/12/99 to 8/16/99	**DuBiel & Gavin/** Moller	Gottsfield	Arnwine	CR99-91827 PODD, F4N Flt Frm Purs Law Veh, F5N	Guilty	Jury
8/16/99 to 8/17/99	**Gaziano**	Barker	Jennings	CR98-95842 1 Ct. POM, F6N 1 Ct. PODP, F5N 4 Cts. DR/LQ/MINOR, F6N	Guilty	Jury
8/18/99 to 8/23/99	**Antonson** Thomas	Dairman	Harris	CR99-91109(B) 1 Ct. Sale of Dangerous Drugs, F2N	Guilty	Jury
8/18/99 to 8/24/99	**Ronan & Lorenz/** Dew, *Turner*	McVey	Lynch	CR98-04885 Ct. 1 Murder, F1D Ct. 2, Attempted Murder, F2D	Guilty	Jury
8/18/99 to 8/24/99	**Levenson Breen** *Turner*	Ishikawa	Evans	CR99-91151 3 Cts. Sexual Assault-Rape, F2N	Not Guilty - 2 Cts. Guilty - 1 Ct.	Jury
8/18/99 to 8/25/99	**Barnes & Klopp-Bryant/** Thomas	Ishikawa	Aubuchon	CR99-91086 1 Ct. Sexual Conduct w/Minor, F2N 1 Ct. Agg Assault, F6N	Guilty	Jury
8/19/99 to 8/24/99	**Rosales**	Akers	Cottor	CR98-16500 1 Ct. Criminal Damage, F4N	Guilty	Jury

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Group D

Dates: Start-Finish	Attorney/ Investigator *Litigation Assistant*	Judge	Prosecutor	CR # and Charge(s)	Result: w/ hung jury, # of votes for not guilty/guilty	Bench or Jury Trial
8/10 – 8/10	**Cox** *O'Farrell*	D'Angelo	Tucker	CR 98-13193 1 Ct. Armed Robbery, F2 1 Ct. Burglary 1, F2	Dismissed by Judge	
8/9 - 8/10	**Harris**	P. Reinstein	Mueller	CR 99-01269 1 Ct Agg DR-BA.10 or Gtr, F4 1 Ct Agg DR-LQ/DRG/TX, F4 2 Ct DR-LQ/DRG W/Minor, F6	Guilty	Jury
8/11– 8/16	**Merchant**	D'Angelo	Clarke	CR 99-05410 1 Ct. Criminal Damage, F6 2 Ct. Agg Assault, F6 With two priors	Gulity on 1 Ct. Crim. Damage Gulity on 1 Ct. Agg. Assault Directed Verdict on 1 Ct. Agg. Assault	Jury
8/11 - 8/18	**Harris**	Dougherty	Poster	CR 99-03053 1 Ct Agg DR-BA .10 GTR, F4 1 Ct Agg DR-LQ/DRG/TX, F4	Not Guilty	Jury
8/12 - 8/18	**Billar & Leyh**	Hilliard	Cotter	CR 98-14984 4 Cts. of Forgery, F4	Not Guilty	Jury
8/16 - 8/19	**Silva**	Gerst	Horn	CR 99-03479 2 Cts. Child Molest, F2	Not Guilty	Jury
8/16 – 8/18	**Zelms & Schreck**	P. Reinstein	Eckhardt	CR 98-17130 1 Ct. Agg Assault w/veh, F3 1 Ct. Endangerment w/veh, F6	Guilty	Jury
8/19 – 8/25	**Leyh & Adams/** Fusselman	Arellano	Hanlin	CR 99-04131 2 Ct. Agg. Assault on Officers, F4 1 Ct. Resisting Arrest, F4	Not Guilty on 1 Ct. Agg Assault and Resisting Arrest Gulity on 1 Ct. Agg Assault	Jury
8/24-8/24	**Harris**	Dougherty	Tucker	CR 99-05831 1 Ct. Agg. Assault, F5	Hung Jury	Jury
8/30-8/30	**Harris**	Comm. Ellis	Tucker	CR 99-01723 1 Ct. Burglary, F3	Guilty	Jury

Group E

Dates: Start/Finish	Attorney/ Investigator *Litigation Assistant*	Judge	Prosecutor	CR# and Charge(s)	Result: w/ hung jury, # of votes for not guilty/guilty	Bench or Jury Trial
8/3 - 8/5	**Kent Porteous/** Castro/ *Molina*	O'Toole	Greer	CR 99-04153 Child Abuse/F4D	Not Guilty	Jury
8/17 - 8/19	**Crews**	Jarrett	Lamm	CR 99-03722 G/T Vehicle/ F4	Not Guilty	Jury
8/17-8/23	**Van Wert & Wray/** *Goldstein*	D'Angelo	Hammond	CR 99-01772 Robbery/ F4	Not Guilty	Jury

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Office of the Legal Defender — July 1999 Trial Results

Dates: Start - Finish	Attorney Investigator *Litigation Asst.*	Judge	Prosecutor	CR# and Charge(s)	Result [w/ hung jury, # of votes for Not Guilty/Guilty]	Bench or Jury Trial
05/17-07/07	**Patton** Horral *T. Williams*	Martin	Heilman Hicks Astrowsky	CR97-02184 5 Cts. Sexual Assault / F2 1 Ct. Kidnaping / F2 1 Ct. Assist Criminal Street Gang / F3 1 Ct. Burg 2nd Degree / F3	Guilty on: Kidnaping 2 Cts. Sexual Assault Dismissed before trial: Burg 2nd Degree Not Guilty on Gang Allegations	Jury
06/28-07/08	**Orent** **Keilen** Abernethy Horrall *Bolinger*	Arellano	Lynch	CR96-07443 1 Ct. Murder 1st Degree / F1 Death Penalty Notice	Not Guilty of 1 Degree Guilty of lesser-included offense: Manslaughter	Jury
07/09-07/22	**Hughes** **Keilen** J. Williams *Bolinger*	Hilliard	Wendell	CR98-05875 2 Cts. Murder 1st Degree / F1 1 Ct. Agg. Assault / F2 1 Ct. Thrtng/Intmdtg / F4 Death Penalty Notice	Guilty on: 1 Ct. Murder 1st Degree 1 Ct. Murder 2nd Degree 1 Ct. Disorderly Conduct 1 Ct. Thrtng/Intmdtg	Jury
07/12-07/13	**Baeurle** Abernethy	McVey	Baldwin	CR99-00377 Flight from Purs. Law Veh. / F5	Not Guilty	Jury

Office of the Legal Defender — August 1999 Trial Results

Dates: Start - Finish	Attorney Investigator *Litigation Asst.*	Judge	Prosecutor	CR# and Charge(s)	Result [w/ hung jury, # of votes for Not Guilty/Guilty]	Bench or Jury Trial
07/26-08/04	**Taylor** Horrall Abernethy *Bolinger*	Ishikawa	McIlroy	CR97-92444 1 Ct. Murder 1	Guilty 1 Ct. Murder 2	Jury
08/02-08/12	**Parzych** J. Williams	Keppel	Aubuchon	CR97-94371 9 Cts. Child Molestation / F2 1 Ct. Att. Child Molstn / F3 1 Ct. Indecent Exposure / F6 Dang. Crimes Against Children	Not Guilty: 7 Cts. Child Molestation 1 Ct. Att. Child Molstn. Guilty: 2 Cts. Child Molestation 1 Ct. Indecent Exposure	Jury
08/18-08/19	**Baeurle** J. Williams	Schwartz	Pittman	CR98-16132 1 Ct. PODD / F4 1 Ct. PODP / F6	Guilty	Jury

Upcoming Seminars

A Powerful, Participatory Workshop in Storytelling Skills

Radical Advocacy: A Journey and a Joining

Friday, October 22, 1999

Presenters: Sunwolf & Jim May

Ramada Hotel
502 W. Camelback
Phoenix, Arizona

Annual Death Penalty Seminar

Thursday & Friday, December 9 - 10, 1999

Presenters: To Be Announced

Quality Hotel & Resort
3600 North 2nd Avenue
Phoenix, Arizona